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HOUSE BILL 1058

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO COUNTY INDUSTRIAL REVENUE BONDS; PROHIBITING CERTAIN PROJECTS THAT REQUIRE A LICENSE FROM THE UNITED STATES NUCLEAR REGULATORY COMMISSION FROM BEGINNING OPERATION WITHOUT CERTAIN FINDINGS BY THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the County Industrial Revenue Bond Act is enacted to read:

"[NEW MATERIAL] CERTAIN PROJECTS--REQUIRED FINDINGS OF THE LOCAL GOVERNMENT DIVISION.--

A. A project that requires a license from the United States nuclear regulatory commission and, because of federal preemption, is exempt from the Radiation Protection Act, shall not begin manufacturing, processing, assembling or

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1 other operation without a finding from the local government  
2 division of the department of finance and administration that:

3 (1) the county or the state will not have to  
4 bear an additional financial burden due to:

5 (a) needed security at the project;

6 (b) the potential discharge from a  
7 break, leak or other malfunction of the waste disposal, waste  
8 removal or production system at the project;

9 (c) premature abandonment of the project  
10 by the operator; or

11 (d) an accident involving the handling  
12 or transportation of waste or product produced by the project;

13 (2) the risk of economic loss to the state or  
14 county caused by permanent damage to land, water, air,  
15 livestock or the potential for human habitation is minimal;

16 (3) the operator of the project has posted a  
17 bond or other appropriate surety to reimburse the state and  
18 county from any potential loss caused by the operation of the  
19 project, including the costs of reclaiming the site of the  
20 project to its original condition; and

21 (4) the overall benefits to the local  
22 community, the county and the state outweigh the potential  
23 social and economic costs of the project.

24 B. The local government division shall promulgate  
25 such rules as are necessary to carry out the provisions of this

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